



Twomey, Latham,
Shea, Kelley, Dubin & Quartararo LLP
ATTORNEYS AT LAW

MAILING ADDRESS:
Post Office Box 9398
Riverhead, New York 11901-9398

MAIN OFFICE:
33 West Second Street
Riverhead, New York 11901-9398

Telephone: 631.727.2180
Facsimile: 631.727.1767
www.suffolkaw.com

kdalli@suffolkaw.com
Extension 228
Direct Fax: 631.574.1258

THOMAS A. TWOMEY, JR.
STEPHEN B. LATHAM
JOHN F. SHEA, III
CHRISTOPHER D. KELLEY
DAVID M. DUBIN
JAY P. QUARTARARO
PETER M. MOTT
JANICE L. SNEAD
ANNE MARIE GOODALE
BRYAN C. VAN COTT
KATHRYN DALLI
LAURA L. DUNATHAN
LISA CHARE KOMBRINK
DANIEL G. WANE
KELLY E. KINIRONS
PATRICK B. FIFE
LAUREN E. STILES
PATRICIA E. RUSSELL

OF COUNSEL
KENNETH P. LAVALLE
KEVIN M. FOX
PHILIP D. NYKAMP
JOHN CLAUDE BAHRENBURG
KAREN A. HOEG

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VIA ECF and US MAIL

October 15, 2010

Magistrate Judge E. Thomas Boyle
U.S. District Court
100 Federal Plaza
Central Islip, New York 11722

Re: J. Barrows, Inc. v. Uvino, et al.
CV 09-03905 (LDW) (ETB)

Dear Magistrate Boyle:

This office represents the plaintiff J. Barrows, Inc. and third party defendant John Barrows in the above matter. I write in connection with the Court's Order dated October 14, 2010 excusing defendant KMA from participating in the scheduled settlement conference on November 1, 2010.

Defendant KMA is an integral part of any settlement. Mr. Barrows and J. Barrows, Inc. will be prejudiced by KMA's lack of participation, and I am certain that the settlement conference will yield no result. As such, I am withdrawing our consent to participate in the settlement conference.

Thank you for your consideration.

Very truly yours,

Kathryn Dalli
Cc: All counsel

OTHER OFFICE LOCATIONS:
20 Main Street
East Hampton, NY 11937
631.524.1200

51 Hill Street
Southampton, NY 11968
631.287.0900

490 Wheeler Road
Suite 1650
Hauppauge, NY 11788
631.265.1414

56340 Main Road
P.O. Box 325
Southold, NY 11971
631.765.2300